

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 519 of 1986

with

SP. CIVIL APPLICATIONS No 1843/86, 2566/86 & 2599/86

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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PATEL JAGDISHCHANDRA DAHYABHAI

Versus

THE AREA DEVELOPMENT COMMISSIONER

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Appearance:

MR PH PATHAK for Petitioners

MS SIDDHI TALATI for Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 08/09/97

C.A.V. JUDGEMENT

Heard the learned counsel for the parties.

2. These matters are taken up together for hearing and disposal as they arise from the same department and similar reliefs have been prayed therein.

3. The petitioners were given the appointments from

time to time as Technical Assistant (Supervisor) for 29 days in the Irrigation Department. They are in service from 1982, 1983 or 1984. This Court has granted the interim relief in their favour.

4. The petitioners in all these special civil applications filed C.A. to bring on record certain other facts and those facts are also taken into consideration. From the facts stated in the C.A., it is clear that the petitioners are continuously working in the department. Further facts which emerge from the C.A. is that even if some division has been discontinued then the person therein has been shifted elsewhere. The case of the petitioners cannot be taken to be at lower pedestal than the case of the employees who have been appointed on daily wages in this department.

5. The Government has taken a decision by resolution dated 17th October, 1988 which has been amended from time to time by subsequent resolutions to confer the benefit of the pay scale of the posts concerned as well as other benefits to the daily wagers who have been appointed on or before 1st October, 1988. Those benefits though vary with reference to the length of service. The daily wagers who have completed five years of service on 1st October, 1988, they have been ordered to be given the pay in the pay scale with certain other benefits. Those who have completed more than 10 years or 20 years of service, much more benefits have been given and even the benefit of pension has been conferred to that class of persons.

6. The petitioners are also working in the Irrigation department and their status is only of appointment for 29 days. However, from 1985 or 1986 i.e. for more than 11 years, the petitioners are continuously working.

7. Taking into consideration the totality of the facts of the case, the interest of justice will be met in case these special civil applications are disposed of with the direction to the respondents to consider the cases of the petitioners with reference to the resolution dated 17th October, 1988 and subsequent resolutions on the subject. This exercise should be undertaken by the respondents within a period of three months from the date of receipt of certified copy of this order. In case the petitioners are found entitled for the benefits under the aforesaid resolution and subsequent resolutions then they shall be entitled for all the consequential benefits which follow therefrom. In case for any reason, the petitioners are not entitled for the benefits under those

resolutions then a reasoned order may be passed and copy of the same may be sent the petitioners. Till the matter is considered by the respondents as directed above, the services of the petitioners shall continue. The Special Civil Application and Rule stand disposed of in the aforesaid terms with no order as to costs.

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